

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

CHERI LaBLANCHE,)
)
Plaintiff,)
) NO. H-13-CV-204
v.) July 19, 2013
)
NATIONAL BOARD OF MEDICAL)
EXAMINERS (NBME), et al.,)
)
Defendants.)

STATUS CONFERENCE
BEFORE THE HONORABLE VANESSA D. GILMORE

For the Plaintiff: Ms. Cheri LaBlanche, Pro Se

For the Defendants: Mr. Peter C. Tipps
Ms. Alaina King Benford
Norton Rose Fulbright
1301 McKinney, Suite 5100
Houston, Texas 77010

For Absolute Justice: Mr. George LaBlanche

Court Reporter: Bruce Slavin, RPR, CMR

Proceedings reported by mechanical stenography and produced
by computer-aided transcription.

1 THE COURT: All right. LaBlanche v. National Board
2 of Examiners.

3 Anybody here for LaBlanche?

4 MS. LaBLANCHE: Good afternoon, Your Honor.

13:38 5 THE COURT: Good afternoon.

6 GEORGE LaBLANCHE: Afternoon, Judge.

7 THE COURT: Hello. Hello.

8 And for the Plaintiff, please. Would you make
9 your announcement, your name, for the Plaintiff.

13:39 10 MS. LaBLANCHE: Cheri LaBlanche.

11 THE COURT: All right. And then for the
12 Defendants, please.

13 MR. TIPPS: Your Honor, Peter Tipps from Norton
14 Rose Fulbright on behalf of National Board of Medical
13:39 15 Examiners, Federation of State Medical Boards and the
16 Educational Commission for Foreign Medical Graduates.

17 THE COURT: Okay. That's a whole lot of --

18 MR. TIPPS: It's a mouthful.

19 THE COURT: It is.

13:39 20 MS. BENFORD: Alaina Benford, also Norton Rose
21 Fulbright, for the same Defendants, Your Honor.

22 THE COURT: All right. So, Miss LaBlanche, let me
23 ask -- I think that the notice of -- What did I get from you
24 guys?

13:39 25 Who are you?

1 GEORGE LaBLANCHE: Excuse me. My name is George
2 LaBlanche. I just filed a petition as a second plaintiff in
3 the case.

4 THE COURT: What do you mean "a petition as a
13:39 5 second plaintiff"?

6 GEORGE LaBLANCHE: An original petition. Yes,
7 ma'am.

8 THE COURT: What's Absolute Justice?

9 GEORGE LaBLANCHE: That's my organization.

13:40 10 THE COURT: Well, is it an organization?

11 GEORGE LaBLANCHE: It's not officially filed with
12 the State or with the United States, but it's a ministry.

13 THE COURT: Are you a lawyer?

14 GEORGE LaBLANCHE: I am a minister.

13:40 15 THE COURT: Are you a lawyer?

16 GEORGE LaBLANCHE: No, ma'am.

17 THE COURT: So, you can't represent any kind of
18 organization yourself. You can only represent an
19 organization if you are a lawyer. Somebody can represent
13:40 20 themselves individually.

21 You're representing yourself individually. Is
22 that right, Miss LaBlanche?

23 MS. LaBLANCHE: Yes.

24 THE COURT: You're trying to represent some
13:40 25 organization --

1 GEORGE LaBLANCHE: No. I am representing my -- I
2 am that organization. I am Absolute Justice, yes, ma'am.

3 THE COURT: It doesn't work like that. What's your
4 name?

13:40 5 GEORGE LaBLANCHE: George LaBlanche.

6 THE COURT: You can represent George LaBlanche and
7 George LaBlanche only. You cannot represent some
8 organization that you made up, Absolute Justice. It doesn't
9 work like that. You can only represent yourself.

13:40 10 GEORGE LaBLANCHE: May I amend the petition with my
11 name in there?

12 THE COURT: Hold on for a second --

13 GEORGE LaBLANCHE: Yes, ma'am.

14 THE COURT: -- because I don't even have an idea
13:41 15 why you're here.

16 GEORGE LaBLANCHE: Yes, ma'am.

17 THE COURT: What's your claim?

18 MS. LaBLANCHE: Basically, my claim is I am filing
19 for injunctive relief so that I will be allowed to take a
13:41 20 paper-based examination from the USMLE.

21 THE COURT: I just couldn't hear the last part of
22 what you were saying. I just couldn't hear you.

23 MS. LaBLANCHE: A paper-based examination from the
24 United States Medical Licensing Board --

13:41 25 THE COURT: Right.

1 MS. LaBLANCHE: -- the USMLE.

2 THE COURT: Exactly. Right.

3 Well, what's your claim?

4 GEORGE LaBLANCHE: Yes, ma'am. Similar to

13:41 5 Miss LaBlanche, I am filing in the interests of justice on
6 behalf of the public interests, that any citizen of the
7 United States, on the basis of equity, should have the
8 optional right -- the equity optional right to take a
9 paper-based examination with the USMLE which, at present, is
13:41 10 being denied. The only --

11 THE COURT: Stop. That's all I needed to know.

12 GEORGE LaBLANCHE: Okay.

13 THE COURT: You can't do that. You want to get a
14 lawyer to file on behalf of everybody in the world, perfect;
13:42 15 you can do that. You can't do that and you're not a lawyer.
16 She can represent herself. Whatever interests you have in
17 representing justice for other people, you're going to have
18 to take that up another day.

19 So, have a seat over here and let me talk to
13:42 20 these folks.

21 GEORGE LaBLANCHE: Thank you, ma'am.

22 THE COURT: All right. Haven't gotten service.

23 That's my issue. I was trying to figure out whether or not
24 you got service.

13:42 25 You can have a seat up here, sir, if you want

1 to. Thank you.

2 Have you gotten service? Because something I
3 got -- what did I get? -- that said that there hadn't been
4 service.

13:42 5 MS. LaBLANCHE: Well, that's from their side --

6 THE COURT: Right.

7 MS. LaBLANCHE: -- saying that they were not
8 properly served, but they were properly served. They
9 were --

13:42 10 THE COURT: And the NBME was served?

11 MS. LaBLANCHE: All three defendants were served,
12 and I can give you --

13 THE COURT: Did you do a return of service?

14 MS. LaBLANCHE: Yes. I have the return receipts
13:43 15 here with the signatures documenting receipt of service on
16 all three parties.

17 THE COURT: And what's your --

18 MR. TIPPS: Your Honor, service was attempted, but
19 service was improper under both the Federal Rules of Civil
13:43 20 Procedure and the Texas Rules of Procedure.

21 THE COURT: Right.

22 MR. TIPPS: She personally served via certified
23 mail, which is improper under the Federal Rules of Civil
24 Procedure.

13:43 25 THE COURT: Who is the agent for service of process

1 for the Defendants?

2 MR. TIPPS: I don't know who the agent was at the
3 time. The --

4 THE COURT: How do you get service on these
13:43 5 defendants?

6 MR. TIPPS: Well, she needs to have somebody who is
7 authorized under law to effect service.

8 THE COURT: Okay. Who was the appropriate person
9 designated to receive service for these defendants?

10 MR. TIPPS: I don't know who the registered agent
11 was, Your Honor.

12 THE COURT: Do you know today?

13 MR. TIPPS: I don't have it in front of me. I
14 apologize.

13:43 15 MS. BENFORD: If I may, Your Honor. It is our
16 position that under the federal rules it is not -- the issue
17 is not to whom the service should have been sent but the
18 manner in which the service was effected in terms of
19 Miss LaBlanche personally effectuating the service versus
13:44 20 what is required under the federal rules.

21 THE COURT: Who did you serve it to?

22 MS. LaBLANCHE: The National Board of Medical
23 Examiners, the first defendant, and I have the signed card
24 stating their -- verifying their receipt.

13:44 25 THE COURT: But did you take it -- When you filed

1 this lawsuit -- I assume that you filed it yourself. When
2 you filed the lawsuit did you take it down to the clerk's
3 office and ask them to issue service for you?

4 MS. LaBLANCHE: No.

13:44 5 THE COURT: Okay. That's what you needed to do.
6 Okay? And, so, that's why I brought you in here today; so
7 that you could go down to the clerk's office and tell them
8 to issue service for you. All right?

9 MS. LaBLANCHE: Okay.

13:44 10 THE COURT: They have to issue the service for you.
11 Do you have the information on who was supposed to get
12 served with respect to each of these defendants?

13 MS. LaBLANCHE: Yes, I do.

14 THE COURT: Okay. Good. So, you have more than
13:45 15 the Defendants have on their own people.

16 Okay. So, take that information. Take it
17 down to the clerk's office. Tell them that you want to get
18 service issued. Give them the information on who they're
19 supposed to get service on --

13:45 20 MS. LaBLANCHE: Okay.

21 THE COURT: -- and get service.

22 MS. LaBLANCHE: Okay. I will do that today.

23 THE COURT: Okay? Do that today. When you get
24 service on them or when they get service, when you get
13:45 25 service correctly through the clerk's office, then we'll be

1 back here again just like we are today. This is kind of,
2 sort of, an exercise in futility. That's why I had you all
3 come in today, because, basically, you were kind of like
4 treading water and wasting time.

13:45 5 MS. LaBLANCHE: Okay.

6 THE COURT: That's their right to do that. Okay?
7 They have the right to ask you to get service effectuated
8 the proper way.

9 So, you have got to go downstairs, get service
13:45 10 effectuated the proper way. Then they're going to come back
11 in here and we're going to have another hearing just like we
12 had scheduled for today and we're going to actually set a
13 scheduling order for the case.

14 MS. LaBLANCHE: Okay.

13:45 15 THE COURT: Go down to the clerk's office on the
16 5th Floor.

17 Where does she need to go, Byron?

18 CASE MANAGER: Room 5300 on the 5th Floor.

19 THE COURT: Room 5300 on the 5th Floor. Tell them
13:46 20 you want to get service on all three of the Defendants.

21 Thank you, guys. You're excused.

22 MR. TIPPS: Your Honor, if I may. May we --

23 THE COURT: Y'all are excused -- unless you're
24 going to tell me you're about to accept service.

13:46 25 MR. TIPPS: Judge --

1 THE COURT: What do you want?

2 MR. TIPPS: I was just going to ask for a deadline
3 under Rule --

4 THE COURT: Go away.

13:46 5 MS. BENFORD: Thank you, Your Honor.

6

7 COURT REPORTER'S CERTIFICATE

8 I, BRUCE SLAVIN, certify that the foregoing is a
9 correct transcript from the record of proceedings in the
10 above-entitled matter, to the best of my ability.

11

12 s/Bruce Slavin
13 BRUCE SLAVIN, RPR, CMR

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